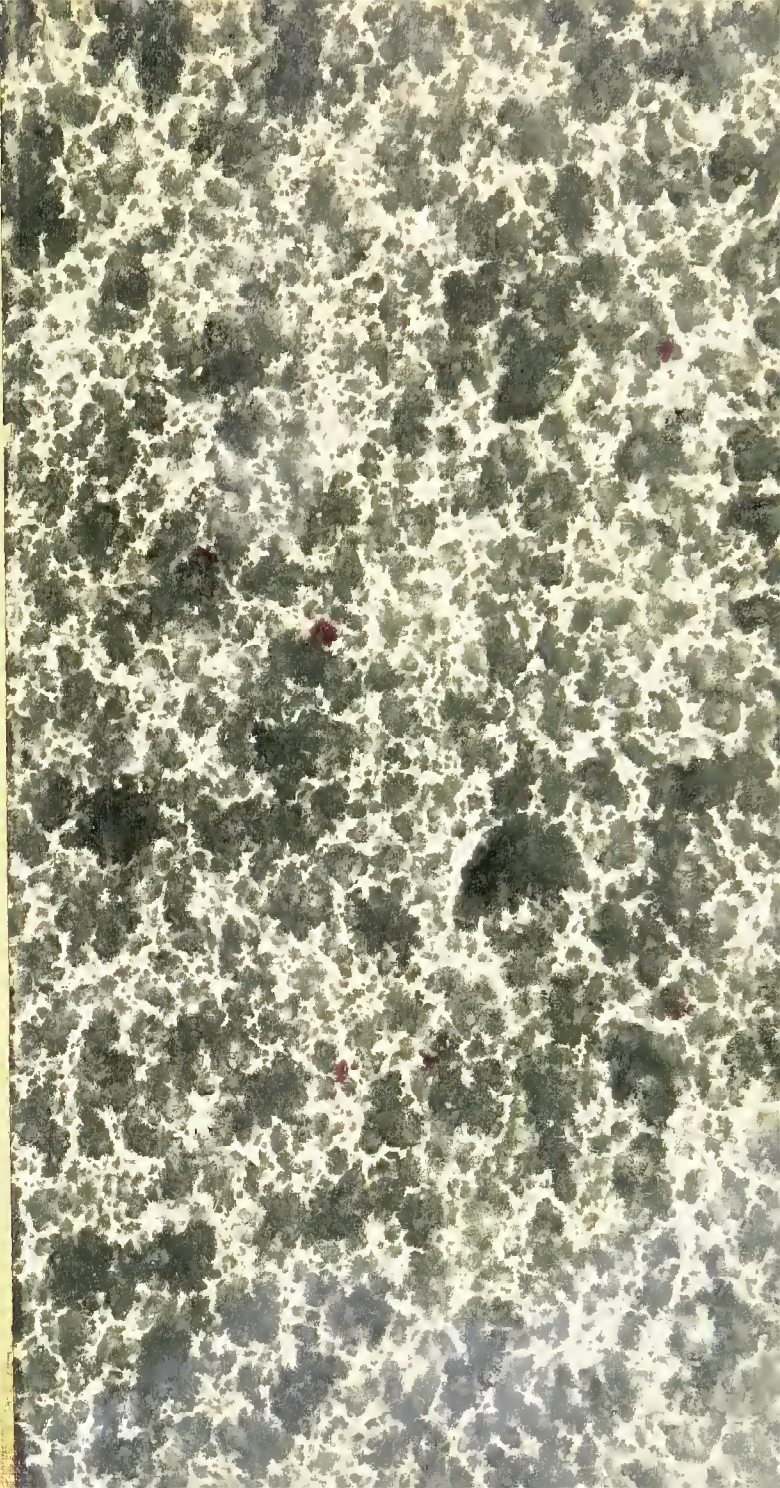
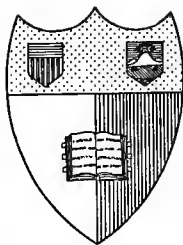


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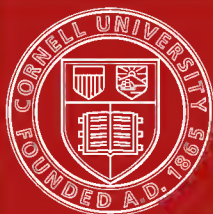
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SIR WILLIAM CHANCE, Bt., M.A.

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**BUILDING BY-LAWS IN RURAL  
DISTRICTS**





# BUILDING BY-LAWS IN RURAL DISTRICTS

BY

SIR WILLIAM CHANCE, Bt., M.A

A Member of the Hambledon R.D. Council; Chairman  
of Committee British Constitution Association; and  
late Chairman of Committee, Building By-  
Laws Reform Association

LONDON  
P. S. KING & SON  
ORCHARD HOUSE  
WESTMINSTER

1914



## PREFACE

THE paper which serves as an Introductory to this little book was read at a meeting of the British Constitution Association in London on December 19, 1913. It occurred to me that it might serve a useful purpose to publish it together with the text of a Bill on the subject, which passed through the House of Lords without any opposition whatever in 1906, and with a revised Code of Building By-laws for Rural Districts, both Bill and Code being now out of print. The latter was drafted by an experienced and well-known architect and seemed to many people to be a great improvement in many ways on the existing Rural Code of the Local Government Board.

In order to make the differences between the two Codes easily intelligible I have added to the text those clauses of the existing Model which are omitted altogether in the Revised Code or substantially altered by it.

It is my earnest hope that the book may be the

means of interesting more people in the subject and of inducing them to give their support to the British Constitution Association in its efforts to get the Bill re-introduced into Parliament and passed into law.

W. CHANCE.

ORCHARDS, NR. GODALMING.

*April, 1914.*

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# BUILDING BY-LAWS IN RURAL DISTRICTS

## INTRODUCTORY

THE history of Building By-laws was very well dealt with in the able and interesting lecture given by Mr. R. Macdonald Lucas before a meeting of the British Constitution Association, on the 25th of April, 1910, which was subsequently published by the Association in pamphlet form.\* It takes us back at least as far as the time of the great fire of London. I do not, however, deal in this little book with building in London, which under the Building Act of 1894 is carried on without much complaint, nor with building in large towns; but with buildings in rural and semi-rural districts only. Under the Public Health Act of 1875, section 157, and the Public Health Acts Amendment Act, 1890, section 23, every urban sanitary authority can make by-laws with respect to streets and their sewerage, the structure, ventilation, drainage, and sanitary arrangements of new buildings, and the submission of plans. The same section of the Act of 1890 extends section 157 of the former Act so far as to enable rural sanitary authorities to make by-laws regulating the structure of walls and foundations of new buildings, their ventilation, drainage, and sanitary arrangements, the structure of floors, the height of rooms to be used for human habitation, the water supply for closets,

\* "Building By-laws," by R. Macdonald Lucas. P. S. King & Son, Westminster, S.W., Price 6d. net.

and with regard to the submission of plans. In the case of both urban and rural sanitary authorities the by-laws must be confirmed by the Local Government Board before they can come into force (Public Health Act 1875, sect. 184).

As is usual when by-laws and regulations are not laid down in an Act of Parliament, but are left to the public bodies, whom they affect, to draw up, the particular government department concerned is itself forced to draw them up and so the well-known model by-laws with respect to new streets and buildings came to be issued in 1877. This model went into the minutest particulars as to how new houses were to be built, and streets laid out. When the Act of 1890 was passed, and a rural sanitary district had decided to have Building By-laws, this urban code was forced upon it without any regard for the different requirements of country and town. "You must take this or nothing" was practically the official reply. Naturally this model series caused great dissatisfaction when owners, builders, and architects had to work under it in country districts, where the conditions in relation to materials for building, drainage, sanitation and ventilation vary so much. Besides this, the fact that some parishes were free from by-laws, while others were subject to them, even in the same sanitary areas, added fuel to the flame of discontent. Now when an Englishman discovers a grievance he generally looks out for others who feel it too, and thus an Association came into being which united some of the malcontents to work together for its removal. This was the origin of the Building By-laws Reform Association. I have heard it said that the only reform which this particular Association effected in Building By-laws was the omission of the final letter of the word Bye in its title. I hope to show that it did much more than this, that it did help towards getting sets of by-laws drawn up to re-



place the urban model in rural districts, that it roused public opinion on the matter, and that it was successful in getting a special Committee of the House of Lords appointed to examine into a Bill which it had drawn up, and which passed through that House in an amended form with no opposition whatever. This Bill is set out on pages 53 to 58. Its object is "To secure that official control of private buildings shall not extend beyond the demands of public health and safety, and thus to prevent encroachments on individual liberty," and so, when the Building By-laws Reform Association was dissolved in 1912, the British Constitution Association gladly assumed charge of the Bill.

Almost contemporaneously with the formation of the Building By-laws Reform Association appeared a new model set of Building By-laws which the pressure of public opinion had forced the Local Government Board to draw up. I well remember one of the members of the Committee arriving at a meeting with a copy of the new model in his hands and exclaiming : "Our work has been done for us." Certainly the new series was a great improvement on the old model. In the Memorandum which pre-faced it the Board stated that representations had been made to them that it would be useful if a series of model by-laws were framed, dealing only with the subjects which were most in need of regulation and control in a rural district from a sanitary point of view, and omitting the additional requirements usually found in a code of by-laws in force in an urban district. The Board had, therefore, drawn up a new series of model by-laws. These were confined to matters affecting health, and were limited to :—

(1) The structure of walls and foundations of new buildings for purposes of health.

(2) The sufficiency of space about buildings to secure a free circulation of air.

- (3) The ventilation of buildings.
- (4) The drainage of buildings.
- (5) Water-closets, earth closets, privies, ash-pits and cesspools in connection with buildings.
- (6) The closing of buildings unfit for human habitation.
- (7) The keeping of water-closets supplied with sufficient water for flushing.
- (8) The observance and enforcement of such By-laws by requiring notices and plans.

The Memorandum then went on :—

“ The Board are not in a position to advise as to what by-laws are needed in particular rural districts. The responsibility rests with the Rural District Council in each instance of determining, on consideration of the circumstances of their district, what by-laws (if any) they will propose to make. The model is intended to serve as a guide to them in dealing with the most important sanitary requirements in connection with new buildings. It must not be regarded as excluding the adoption of further provisions, where these are found to be necessary, dealing with the other matters mentioned in section 23 of the Act of 1890, or in section 157 of the Act of 1875. Portions of many rural districts are distinctly urban in character, and the development of building is constantly changing the aspect of the country, and it devolves on Rural District Councils to endeavour to apply to the several parts of their districts such regulations as the circumstances may, from time to time, seem to require. The present series contains no clauses dealing with questions of stability or the prevention of fire, or with the level, width and construction of new streets. These are all matters that may properly be regulated in portions of rural districts which are assuming an urban character, and circumstances may arise which may render it necessary to deal with one or more of them even in less closely populated areas. Where more comprehensive by-laws are considered to be necessary for the whole or any part of the district, the Rural District Council may be referred to the model series prepared for use in urban districts. They should carefully study the clauses and select those that are appropriate to the needs of the district, or the portion of it under consideration. In this connection it may be mentioned that a series of by-laws may be made for part only of a contributory place where the circumstances justify this course. The part should, however, be very clearly defined by a well recognized boundary line.”

The portion of the new model relating to the structure of walls and foundations did away with a host of irritating details, and is such that every honest builder would accept. As to the other matters dealt with, the Committee of the Building By-laws Reform Association went very carefully into them, and recommended important alterations in many particulars. These alterations were incorporated in the new model, and the reasons why they were recommended were given (see post p. 11).

Every credit must be given to the Local Government Board for their efforts to get the new code adopted in those rural districts where the old by-laws were in force. Thus in 1906 they drew the special attention of Rural District Councils to the matter, and recommended them carefully to review the circumstances of their districts for the purpose of seeing whether any modification of the existing by-laws was desirable, and whether any part of the districts might not be more suitably placed under the new code, either wholly, or supplemented by certain clauses from the urban model. And in 1912 another circular letter was issued to District Councils (urban as well as rural) to the same effect but more forcibly worded. (These two circulars are set out in full in the Appendix pp. 59 to 61.) In addition to this, another series of Building By-laws was drawn up and circulated, intermediate in character between the urban and rural model codes.

The Building By-laws Reform Association felt that any effort to get rid of Building By-laws altogether would be time and money thrown away; and so they looked about to see how they might be made more elastic in their operations, so as to do away with the injustice and hardship so often entailed by enforced strict compliance with the exact letter of them. They decided that this could only be effected by legislation. Consequently they

had a Bill drafted, the main objects of which were to exempt buildings sufficiently isolated from other Buildings from the operation of existing and future Building By-laws except as to those dealing with drainage, and sanitary conveniences ; and to empower the Local Government Board to disallow existing by-laws or any clause of them which could be shown to be unsuited to the district to which they applied or to operate contrary to the public interests. This Bill was introduced into the House of Lords by Lord Hylton in 1905 and was referred to a Select Committee, which sat for six days taking evidence. It emerged from this ordeal in an amended form, and passed through the House without opposition on the 8th August of the same year. In the following year, Lord Hylton again introduced it into the House of Lords, and after certain amendments, which the Association considered improvements, it was read a third time with the full approval of the Government. The arguments for the Bill, which is entitled " the Public Health Act (Building By-laws) Act 1906," are well explained in a Memorandum which was attached to it, as follows :—

" This Bill, while admitting the need for Building Regulations, also recognizes the fact that, as they operate at present, these regulations often inflict unnecessary injustice and hardship upon owners and builders, and stand in the way of the erection of cheap and yet substantial and healthy dwellings for the working classes.

" The Local Government have also recognized this fact by drawing up a new code of Building by-laws more applicable than the old Model By-laws to the wants of rural districts.

" But it is clear that whatever the code may be, it is quite impossible for it to meet the particular needs of every case. A by-law which operates quite justly in one case will in another inflict hardship and injustice.

" The Bill in question proposes to introduce just that elasticity which is so much needed into the operation of Building by-laws, and at the same time it carefully provides that nothing shall be done contrary to the interests of the public health.

" Clauses 2 and 3 propose to do for rural districts, where Building by-laws are already in force, what can already be done in

London. They provide for the exemption of isolated buildings—i.e., buildings which have a minimum of open space surrounding them—from certain of the by-laws which may be in force in the districts where such buildings are to be erected. But they do not exempt any buildings from the by-laws relating to drainage and sanitary conveniences.

“Block plans as to these matters will still have to be approved by the local authorities ; but, above ground a man will be free to build as he likes so long as he does nothing contrary to purposes of health. The general control of the local authorities is thus preserved, and, in case of a conflict of opinion on the point, the Local Government Board is constituted as the arbiter.

“An indirect advantage, on which the promoters of the Bill lay much stress, is that landlords and builders will be encouraged for the sake of securing greater freedom of building, to provide dwellings for labourers and artisans with sufficient ground attached thereto for the purposes of gardens. It is hoped that the crowding together of cottages without any adequate garden ground, which the present by-laws encourage, will be discouraged by the Bill, and the lives of workers who can only afford to pay small rents made more happy and healthy than at present.

“Clause 3 is directed against improper advantage being taken of the increased liberty in building for which clause 2 provides.

“Clause 4 provides for bringing this part of the Bill into operation in urban districts.

“Clause 5 is very important, and applies to urban as well as rural districts. As has already been said, a by-law may be quite inapplicable and unnecessary in particular cases. This clause enables the local authority by means of a very simple and inexpensive mode of procedure to dispense with the requirement of any by-law where its enforcement is clearly unnecessary. In ninety-nine cases out of a hundred the parties will be in complete agreement as to non-necessity for its enforcement, and the proceedings will be of a friendly nature.” \*

Further than this, the same clause removes a grievance which is very much felt at the present time. Thus, supposing there is any conflict between a local authority and a builder as to whether a plan or the building exhibited thereon is in conformity or not with any by-law, the matter can be settled without delay. At present, in case of any such

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\* This procedure is by application of the aggrieved person to a Court of summary jurisdiction that it should allow the particular by-laws or by-law to be dispensed with or varied.

dispute, it can only be determined by the building being erected in defiance of the by-laws, and then if the view of the builder is not upheld by the court, the building may be condemned, and, possibly, ordered to be pulled down. A great deal of expense and bad feeling would be prevented if such questions could be determined, once and for all, upon the plans submitted.

It is contended that the Bill preserves all the powers which a local authority requires for preventing the erection of insanitary buildings, and gives just that elasticity to their operation, the want of which constitutes so just a complaint at the present time.

It must also be mentioned that the Bill had the complete support and sympathy of the Local Government Board, the promoters having accepted the amendments proposed by the Government during the passage of the Bill through the House of Lords. The Bill has never been before the House of Commons. The fact is that opposition to it was raised in an unexpected quarter by the Executive Committees of the Urban and Rural District Councils Associations, which are sufficiently powerful to give effective opposition to any private Bill affecting these Councils passing that House. Negotiations between the Building By-Laws Reform Association and these Associations followed, and the draft of a new Bill was agreed to, but with so much disinclination on the part of the Association that it was never proceeded with.

Now, until some such measure is passed into law, the field of Building by-laws administration will remain open to jobbery and corruption. Even if there be no jobbery or corruption, it is not right that a body which has to administer a law should be both judge and jury in the same matter. A recent illustration of this frequent practice was given in the case of the Chelmsford Rural District

Council *v.* Mr. Arnold Mitchell. This gentleman has made himself famous by designing a cottage which can be built for £110. He had built one at Great Baddow for exhibition purposes only, and he thought that he need not submit plans to the authority. Unfortunately, it did not conform in several respects to the by-laws, and so he was summoned before the magistrates and duly fined. It appears from the evidence that the Council were advised by their Clerk not to prosecute in the case. He told the Council that if they went on with the prosecution it might be thrown in their teeth that the Council were acting with vindictiveness, *as there had been a number of similar cases in which proceedings had not been taken.* (*Times*, November 29th, 1913.) It is not the least advantage of the Bill that it will, when passed into law, put an end to such practices, and I am certain that we shall then have fewer complaints of unnecessary hardships inflicted upon persons who are doing their best to supply the housing wants of our country.

I have referred to the efforts of the Local Government Board to secure more elasticity in the administration of Building by-laws, and I cannot conclude these few general remarks on the subject without drawing attention to section 44 of the Housing and Town Planning Act of 1909, which was inserted in the Bill at the instance of the Rural Housing and Sanitation Association, and which provides that if the Board is satisfied that the building of cottages is unreasonably impeded by any local by-laws, the Board may have them revoked or require the local authority to make new ones so as to remove the hindrance. If this is not done in three months, the Board may make by-laws and enjoin their use by the local authority.

This section will be useful where it is intended to erect a number of cottages on a building estate. It is however doubtful whether, owing

to the delays which must occur, it would be of much value in the case of a single cottage being built; and of course it does not apply to the building of houses other than cottages.



# DRAFT BY-LAWS

## FOR REGULATING THE CONSTRUCTION OF NEW BUILDINGS IN RURAL DISTRICTS

### MEMORANDUM.

*In the Notes to altered By-laws the expression "Model Clause ( )" refers to the "Model By-laws issued by the Local Government Board. IV.—(Rural Districts) New Buildings," etc. Published 1903.*

*Where any Model Clause has been substantially varied or omitted, it has been printed in italics, so that it is made easy for the reader to compare it with the revised Model.*

### INTERPRETATION OF TERMS.

1. In the construction of these by-laws the following words and expressions shall have the meanings hereinafter respectively assigned to them, unless the context otherwise requires; that is to say:—

Cf. Model  
By-law 1

"District" means \*

"Council" means the Rural District Council  
of

"Public Building" means a building used  
or constructed or adapted to be

---

\* Insert "the Rural District of \_\_\_\_\_," or, if the by-laws are to apply to part only of a rural district, "that portion of the Rural District of \_\_\_\_\_ which comprises the contributory places of \_\_\_\_\_."

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tory provision in that behalf by one of His Majesty's Principal Secretaries of State :

(h) Any building which shall not be a public building or a building of the warehouse class, and shall not be constructed or adapted to be used either wholly or partly for human habitation, or as a place of habitual employment for any person in any manufacture, trade, or business, and which if intended for use as a pigsty or a cowhouse shall be detached from any dwelling-house :

(i) Greenhouses.

NOTE.—*These are not exempted under the present Code.*

(j) Any building erected or intended to be erected for use solely as a temporary hospital for the reception and treatment of persons suffering from any dangerous infectious disorder.

#### WITH RESPECT TO THE STRUCTURE OF WALLS AND FOUNDATIONS OF NEW BUILDINGS FOR PURPOSES OF HEALTH.

Cf. Model  
By-law 3

3. The whole ground surface or site of a new dwelling-house within the external walls shall be properly asphalted or covered with a layer of good cement concrete, rammed solid, at least *six inches* thick, wherever the dampness of the site or the nature of the soil renders such a precaution necessary.

NOTE.—*The Model By-law applies this clause to all new domestic buildings. It is considered that it should only apply to dwelling-houses.*

Cf. Model  
By-law 4

4. Every wall of a new public building or a new dwelling-house shall have a proper damp course of sheet lead, asphalt, or slates laid in cement, or of other durable material

impervious to moisture, beneath the level of the lowest floor, and at a height of not less than *six inches* above the surface of the ground adjoining such wall.

Provided always that where any part of a floor of the lowest story of such building, not being a cellar, shall be intended to be below the level of the surface of the ground immediately adjoining the exterior of such storey, and so that the ground will be in contact with the exterior of any wall, such storey or such part thereof as will be so in contact shall be constructed with walls impervious to moisture or with double walls, having an intervening cavity between such walls, of a width of *two and a half inches*, and extending from the base of such walls to a height of *six inches* above the surface of the ground immediately adjoining the exterior of such storey.

Such double walls shall be properly tied together with suitable and sufficient ties of iron, tarred and sanded, galvanized iron, vitrified stoneware, or other suitable material, inserted at distances apart not exceeding *three feet* horizontally and *eighteen inches* vertically. A proper damp course of sheet lead, asphalt, or slates laid in cement, or of other durable material impervious to moisture, shall be inserted in every such double wall at the base of such wall and likewise at the level of the top of the cavity.

5. Every wall of a new building when carried up above any roof, flat, or gutter, so as to form a parapet, shall be properly coped or otherwise protected, in order to prevent water from running down the sides of such parapet, or soaking into such wall.

Cf. Model  
By-law 5

WITH RESPECT TO THE SUFFICIENCY OF THE  
SPACE ABOUT BUILDINGS TO SECURE A FREE  
CIRCULATION OF AIR, AND WITH RESPECT  
TO THE VENTILATION OF BUILDINGS.

Cf. Model  
By-laws  
6 and 7

6. A new domestic building, other than a building not occupying a greater area nor having larger cubical contents than an existing domestic building on the same site, shall have, in connection therewith, an open space exclusively belonging thereto, equal in area at the least to the area of the building, measured at the ground floor storey, and the building therein shall be so placed that two sides, at least, shall open for purposes of light and ventilation on such open space, or on a street, road or other public open space immediately adjoining such building.

NOTE.—*This new by-law replaces the Model Clauses 6 and 7; the object of the substituted by-law is to provide that in districts where ground is not specially valuable, a fair space should be left about domestic buildings. The position of the building in the space is left to be arranged by the builder, excluding, however, back-to-back houses, or other plans not furnishing through ventilation.*

*The object of the exemption is to prevent the by-law operating against the rebuilding of worn-out premises.*

MODEL CLAUSES 6 AND 7.

6. Every person who shall erect a new domestic building shall provide in front of such building an open space, which, measured to the boundary of any lands or premises immediately opposite, or to the opposite side of any street which may not be less than *twenty-four feet* in width where such building may front thereon, shall, throughout the whole line of frontage of such building, extend to a distance of *twenty-four feet* at the least; such distance being measured in every case at right angles to the external face of any

wall of such building which shall front or abut on such open space.

Where a new domestic building may be intended to front on a street laid out before the confirmation of these by-laws, and of a less width than *twenty-four feet*, the person who shall erect such building shall provide in front thereof an open space, which, measured to the opposite side of such street throughout the whole line of frontage of such building, shall extend to a distance equal at least to the width of such street, together with *one-half* of the difference between such width and *twenty-four feet*.

Any open space provided in pursuance of this by-law shall be free from any erection thereon above the level of the ground, except any portico, porch, step, or other like projection from such building, or any gate, fence, or wall not exceeding *seven feet* in height.

A person who shall make any alteration in or addition to such building shall not, by such alteration or addition, diminish the extent of open space provided in pursuance of this by-law in connection with such building.

7. (1.) Every person who shall erect a new domestic building shall provide in the rear of such building an open space exclusively belonging to such building, and of an aggregate extent of not less than *one hundred and fifty square feet*, and free from any erection thereon above the level of the ground, except a watercloset, earthcloset, or privy, and an ashpit.

(2.) He shall cause such open space to extend, laterally, throughout the entire width of such building, and he shall cause the distance across such open space from every part of such building to the boundary of any lands or premises immediately opposite or adjoining the site of such building, to be *not less in any case than fifteen feet*.

If the height of such building be *twenty-five feet* he shall cause such distance to be *twenty feet* at the least.

If the height of such building be *thirty-five feet* or exceed *thirty-five feet* he shall cause such distance to be *twenty-five feet* at the least.

(3.) A person who shall make any alteration in or addition to such building shall not, by such alteration or addition, diminish the aggregate extent of open space provided in pursuance of this by-law in connection with such building, or in any other respect fail to comply with any provision of this by-law.

(4.) For the purposes of this by-law the height of such building shall be the height of the highest portion of the building, measured upwards from the level of the ground

over which such open space shall extend to the level of half the vertical height of the roof or to the top of the parapet, whichever may be the higher.

Cf. Model  
By-law 10

7. Every room of a new domestic building which shall be situated in the lowest storey of such building, and shall be provided with a boarded floor, shall have, for the purpose of ventilation between the under side of every joist on which such floor may be laid, and the upper surface of the ground or of the asphalt or concrete with which such ground is covered, a clear space of *three inches* at the least in every part, if such ground be covered with asphalt or concrete, and of *nine inches* at the least in every part if such ground be not so covered, and such space shall be thoroughly ventilated by means of suitable and sufficient air-bricks, or by some other effectual method.

Cf. Model  
By-law 11

8. Every habitable room of a new domestic building which is without a fireplace, and a flue properly constructed and properly connected with such fireplace, shall be provided with special and adequate means of ventilation.

NOTE.—*Model By-law 11, which this by-law replaces, specifies that the ventilation should be "by a sufficient aperture or air shaft which shall provide an unobstructed sectional area of fifty square inches at the least."* It is considered better not to specify any special method of providing the ventilation, as the circumstances of cases may differ, and there may be a more satisfactory method of providing the ventilation than that laid down in this Model By-law.

9. Every new public building shall be provided with adequate means of ventilation.

Cf. Model  
By-law 12

NOTE.—*Model Clauses 8 and 9 are omitted as, though applicable to buildings in crowded*



*urban districts, they seem inapplicable to buildings in rural districts. They are as follows:—*

8. Every person who shall erect a new domestic building shall construct in the wall of each storey of such building which shall immediately front or abut on such open spaces as, in pursuance of the by-laws in that behalf, shall be provided in connection with such building, a sufficient number of suitable windows, in such a manner and in such a position that each of such windows shall afford effectual means of ventilation by direct communication with the external air.

9. Every person who shall erect a new domestic building shall construct in every habitable room of such building one window, at the least, opening directly into the external air, and he shall cause the total area of such window, or, if there be more than one, of the several windows, clear of the sash frames, to be equal at the least to *one tenth* of the floor area of such room.

Such person shall also construct every such window so that *one half*, at the least, may be opened, and so that the opening may extend in every case to the top of the window.

#### WITH RESPECT TO THE DRAINAGE OF BUILDINGS.

10. The sub-soil of the site of every new building shall be effectually drained wherever the dampness of the site renders such a precaution necessary, and the drain for same shall have no direct communication with any sewer or cesspool, or with any drain constructed or adapted to be used for conveying sewage.

NOTE.—*The Model Clause 13 stipulates that the drainage of sub-soil shall be by means of earthenware field pipes. It has been altered so as to be less restrictive, as there are other equally convenient and often more suitable methods of dealing with this, as e.g. by tracks filled in with bricks or other rubble. It runs as follows:—*

13. Every person who shall erect a new building shall cause the subsoil of the site of such building to be effectually drained by means of suitable earthenware field pipes, properly laid to a suitable outfall, wherever the dampness of the site renders such a precaution necessary.

Cf. Model  
By-law 13

He shall not lay any such pipe in such a manner or in such a position as to communicate directly with any sewer or cesspool, or with any drain constructed or adapted to be used for conveying sewage.

Cf. Model  
By-law 14

11. No pipe used for the purpose of conveying rain-water from a building shall be in direct communication with any drain used for conveying sewage.

*NOTE.—The Model Clause 14 provides for the roof-water being collected and carried to the ground in all cases. The Clause has been simplified as it is felt that in many cases it may not be necessary from the point of view of health to collect or carry off rain-water. In the case of cottages, it is convenient to collect the rain-water in barrels or tanks above the ground level. There are also cases where, without detriment to health, and with distinct benefit to domestic economy, rain-water can be collected and stored in tanks inside a building to gravitate for use to taps at a lower level, and so avoid pumping from an underground tank. The Clause is as follows :—*

14. Every person who shall erect a new building shall, for the purpose of carrying from the roof or flat of such building all water which may fall thereon, cause a suitable pipe or trunk, extending from the roof or flat to the ground, to be fixed to the front or rear or to one of the sides of such building, and to be connected with a gutter, shoot, or trough which shall be provided, constructed, and fixed in such a manner and in such a situation as to receive all water that may fall on the roof or flat.

Cf. Model  
By-law 15

12. The lowest storey of every new building shall be constructed at such a level that it may be practicable if required to lay a drain sufficient for the effectual drainage of such building and to provide for the proper connection of the same with any sewer.

*NOTE.—Model Clause 15 is slightly re-cast so as to make it clear that the building is to be*

*arranged so that it can be drained if required. It is as follows :—*

15. Every person who shall erect a new building shall construct the lowest storey of such building at such a level that it may be practicable to construct a drain sufficient for the effectual drainage of such building and to provide the requisite communication with any sewer.

13. Sanitary accommodation must be provided in or adjacent to every domestic building either by means of water-closets, earth-closets, or privies, and such must be constructed in accordance with the regulations relating thereto.

The discharge from fixed sinks and baths where such are fitted up in any domestic building shall be provided for as set forth in the clauses relating to the same.

NOTE.—*This Clause has been inserted because it is felt desirable to make it quite clear that in every case (as in cottages) drains may be neither necessary nor desirable, and also to make it equally clear that while sanitary accommodation of the nature of either water-closets, earth-closets, or privies is necessary in every domestic building, sinks and baths, while desirable, must not be made compulsory (as in the case of cottages without adequate water supply).*

14. (1) Every underground drain in connection with a new building shall be laid with good sound pipes of glazed stoneware, or of other equally suitable material, with the exceptions under-noted.

Cf. Model  
By-law  
16 (1)

(a) A drain, constructed in pursuance of the by-law in that behalf, for the drainage of the subsoil of the site of such building.

(b) A drain constructed for carrying off the waste water from sinks and baths

in pursuance to the by-laws relating thereto.

NOTE.—*This is Model Clause (16) (1) re-cast so as to allow of drains from sinks and baths as well as subsoil drains being dealt with independently of sewage drains when circumstances require it. The Clause is as follows:—*

16. (1) Every person who shall erect a new building shall, in the construction of every drain of such building, other than a drain constructed in pursuance of the by-law in that behalf for the drainage of the subsoil of the site of such building, use good sound pipes formed of glazed stoneware, or of other equally suitable material.

Cf. Model  
By-law  
16 (2)

(2) Such drain shall be of adequate size, and, if constructed or adapted to be used for conveying sewage shall have an internal diameter not less than *four inches*, and be laid where necessary in a bed of good concrete, with a proper fall, and with watertight, socketed or other suitable joints.

Cf. Model  
By-law  
16 (3)

(3) No drain for the purpose of conveying sewage shall be laid so as to pass under any dwelling-house, except in any case where no other mode of construction is reasonably practicable.

In that case, such drain shall be laid in a direct line for the whole distance beneath such building, and shall be completely embedded in and covered with good and solid cement concrete, at least *six inches* thick, all round, where the nature of the soil renders it desirable to do so.

Adequate means of access shall be provided in connexion with such drain at each end of such portion thereof as is beneath such building.

NOTE.—*The restrictions as to taking drains under buildings should be limited to drains conveying sewage.*

## MODEL CLAUSE 16 (2) AND (3).

16. (2) He shall cause every such drain to be of adequate size, and, if constructed or adapted to be used for conveying sewage to have an internal diameter not less than *four inches*, and to be laid where necessary in a bed of good concrete, with a proper fall, and with socketed or other suitable watertight joints.

(3) He shall not construct any such drain so as to pass under any building, except in any case where any other mode of construction may be impracticable.

In that case, he shall cause such drain to be laid in a direct line for the whole distance beneath such building, and to be completely embedded in and covered with good and solid cement concrete, at least *six inches* thick, all round.

He shall also cause adequate means of access to be provided in connection with such drain at each end of such portion thereof as is beneath such building.

(4) Every inlet to any sewage drain connected to a drainage system emptying into a cesspool or into a public sewer, not being an inlet provided in pursuance of the by-law in that behalf as an opening for the ventilation of such drain, shall be properly trapped.

Cf. Model  
By-law  
16 (4)

## MODEL CLAUSE 16 (4).

16. (4) He shall cause every inlet to any drain, not being an inlet provided in pursuance of the by-law in that behalf as an opening for the ventilation of such drain, to be properly trapped.

15. In every main drain or other drain within the curtilage of any new building which may directly communicate with any sewer or other means of drainage into which such drain may lawfully empty, a suitable trap shall be placed at a point as distant as may be practicable from such building and as near as may be practicable to the point at which such drain may be connected with such sewer or other means of drainage.

Cf. Model  
By-law 17

NOTE.—*This is Model Clause 17 slightly re-cast, which is as follows :—*

17. Every person who shall erect a new building shall provide, within the curtilage thereof, in every main drain or other drain of such building which may directly communicate with any sewer or other means of drainage into which such drain may lawfully empty, a suitable trap at a point as distant as may be practicable from such building and as near as may be practicable to the point at which such drain may be connected with such sewer or other means of drainage.

Cf. Model  
By-law 18

16. No drain shall be constructed in such a manner as to have any right-angled junction, either vertical or horizontal, except for purposes of ventilation only, and every branch drain or tributary drain intended to discharge into another drain shall join such other drain obliquely in the direction of the flow of such other drain.

NOTE.—*This is Model Clause 18 slightly re-cast, which is as follows :—*

18. A person who shall erect a new building shall not construct the several drains of such building in such a manner as to form in such drains any right-angled junction. He shall cause every branch drain or tributary drain to join another drain obliquely in the direction of the flow of such other drain.

Cf. Model  
By-law 19

17. In any new building drains constructed or adapted to be used for conveying sewage from w.c.'s shall be constructed so as to comply with the following requirements :—

#### MODEL CLAUSE 19.

19. Every person who shall erect a new building shall, for the purpose of securing efficient ventilation of the several drains of such building constructed or adapted to be used for conveying sewage, comply with the following requirements :—

(1) Such drains shall have at least two untrapped openings, of which openings one shall

be situated as near as may be practicable to the trap which, in pursuance of the by-law in that behalf, shall be provided between the main drain or other drain of the building, and the sewer or other means of drainage with which such drain may lawfully communicate, and on that side of the trap which is the nearer to the building; and the second opening shall be as far distant as may be practicable from the point at which the first-mentioned opening shall be situated.

Each of such openings shall communicate with the open air by means of a suitable pipe or shaft, or through a disconnecting chamber; so placed as to prevent any escape of foul air therefrom into any building or where it is liable to be a nuisance or detrimental to health. One at least of such pipes or shafts shall be carried up above the eaves of the adjoining building and to a height, in any case, of not less than *ten feet* above the ground level.

One of the aforesaid openings shall be at or near the level of the service of the ground adjoining such opening, and shall communicate with the drains by means of a suitable pipe, shaft, or disconnecting chamber.

The other opening shall be obtained by carrying up a pipe or shaft, vertically, to such a height and in such a manner as effectually to prevent any escape of foul air from such pipe or shaft into any building in the vicinity thereof, and in no case to a less height than *ten feet*.

Provided always, that the soil pipe of any watercloset, in every case where the situation, sectional area, height, and mode of construction of such soil pipe shall be in accordance with the requirements applicable to the pipe or shaft to be carried up from the drains, may be deemed to provide the necessary opening for ventilation which would otherwise be obtained by means of such last-mentioned pipe or shaft.

(2) Every opening provided in accordance with the arrangements herein-before specified shall be furnished with a grating or other suitable cover for the purpose of preventing any obstruction in or injury to any pipe or drain by the introduction of any substance through any such opening. In every case, such covering shall be so constructed and fitted as to secure the free passage of air through such grating or cover by means of a sufficient number of apertures, of which the aggregate extent shall be not less than the sectional area of the pipe or drain to which such grating or cover may be fitted.

(3) Every pipe or shaft which may be used in connection with the arrangements herein-before specified shall be of not less than *three and a half inches internal diameter*.

(4) No bend or angle shall (except where unavoidable) be formed in any pipe or shaft used in connection with the arrangements herein-before specified.

NOTE.—*This by-law deals with drains for conveying sewage from w.c.'s, and practically embodies the provisions of the Model Clause 19, with regard to drains generally, with some slight modification. These provisions would still apply to drains conveying sink and bath waste water, and rain-water where such adjoin a general drainage system discharging into a public sewer or into a cesspool, but would not apply to them where such waters are dealt with separately, as they would then come under the regulations applying to such cases.*

MODEL CLAUSE 19 (3), (4) AND (5).

(3) Every pipe or shaft which may be used in connection with the arrangements herein-before specified shall be of a sectional area not less than that of the drain with which such pipe or shaft may communicate.

Provided that where such pipe or shaft communicates



with a drain of an internal diameter of *four inches*, the internal diameter of such pipe or shaft may be not less than *three and a half inches*.

(4.) No bend or angle shall (except where unavoidable) be formed in any pipe or shaft used in connection with the arrangements herein-before specified.

(5) Provided that—

(a) Where there is no watercloset within the building and connected with the drain and the drain shall not be more than *twenty feet* in length, the requirements of this by-law shall not apply to the case ;

(b) Where the aggregate length of so much of the drain or drains of a new building as is above the trap to be provided in pursuance of the by-law in that behalf in every main drain or other drain of such building which may directly communicate with any sewer or other means of drainage into which such drain may lawfully empty, shall not exceed *thirty feet*, and such drain or any of such drains shall not be connected with any water-closet which has internal communication with any building, the opening required by this by-law to be provided at or near the level of the surface of the ground may be dispensed with.

r8 (1) Any drain in connection with a new building shall be constructed in such a manner as to allow no inlet to such drain (except such inlet as may be necessary from the apparatus of any watercloset or any slop sink constructed or adapted to be used for receiving within such building any solid or liquid filth) to be made within such building. Cf. Model  
By-law 20

(2) The soil pipe from every watercloset in such building shall be at least *three and a half inches* in diameter.

(3) Such soil pipe, and the waste pipe from every such slop sink, shall be fixed outside such building, and shall be continued upwards without diminution of its diameter, and (except where unavoidable) without any bend or angle being formed in such soil pipe or waste pipe to such a

height and in such a position as to afford, by means of the open end of such soil pipe or waste pipe, an outlet for foul air at a safe distance from windows, chimneys, and other openings.

(4) Such soil pipe or waste pipe shall be so constructed that there shall not be any trap between such soil pipe or waste pipe and the drains, or any trap (other than such as may necessarily form part of the apparatus of any watercloset or slop sink) in any part of such soil pipe or waste pipe.

(5) No chemical refuse of a deleterious nature, such as the refuse from an acetylene gas installation, shall be discharged into any sewage drain or into any trap or gulley connected to the same.

(6) The overflow pipe from any cistern and from every safe under any bath or watercloset shall be taken through an external wall of such building, and to discharge in the open air.

NOTE.—*This is Model Clause 20 slightly re-cast. Sub-section 5 of the Model Clause is now omitted, as its provisions are dealt with in new Clause 22. A new sub-section 5 is substituted, dealing with chemical and other refuse.*

#### MODEL CLAUSE 20 (5) AND (6).

(5) He shall cause the waste pipe from every bath, sink (not being a slop sink constructed or adapted to be used for receiving any solid or liquid filth), or lavatory, and every pipe in such building for carrying off foul waste water to be properly trapped, and to be taken through an external wall of such building, and to discharge in the open air over a channel leading to a trapped gully grating.

(6) He shall cause the overflow pipe from any cistern and from every safe under any bath or watercloset to be taken through an external wall of such building, and to discharge in the open air.

WITH RESPECT TO THE DISCHARGE FROM FIXED  
SINKS AND BATHS IN CONNECTION WITH  
BUILDINGS.

19. The discharge from sinks and baths, where such are fitted up in any domestic building, shall be provided for in any of the following ways :—

*For Sinks—*

- (1) By means of a movable pail.

*For Sinks or Baths—*

- (2) By means of a waste-pipe passing through the wall and discharging not less than *three inches* clear of the wall into an open channel formed for at least *ten feet* from the outside face of wall of impervious material, and after that by means of perforated tiles or other approved means of surface filtration if the nature of the soil be suitable.
- (3) By means of a pipe discharging over an untrapped open gully outside building connected by glazed and socketted pipes under ground to a soak pit situate not nearer the building than *twenty feet*, and not nearer any well than *fifty feet*, such pipe to have adequate ventilation at its further end to ground level.
- (4) By means of a pipe discharging externally over a trapped gulley connected to a drainage system emptying into a cesspool or joining a public sewer, and subject to the by-laws relating thereto.

NOTE.—*This by-law deals with the disposal of the waste water from sinks and baths. As the effluent from these is of a different nature from that from w.c.'s, the disposal of it should not come under the hard and fast rules applicable to soil drains.*

*Alternative methods of disposal directly on to the garden are dealt with in the new clause. These embody the results of actual tests which have been found to work satisfactorily, and to be perfectly sanitary.*

*Sub-section 1 is applicable to small cottages, where, in many cases, the water has to be carried from a draw-well or pump at a distance and is necessarily used economically. In such circumstances a drain could not be properly flushed and would be likely to become insanitary and dangerous to health.*

*Sub-section 2 would apply to cases where water would be more easily obtainable, but where the waste water would not be of such quantity that it could not be absorbed by the garden soil and plants.*

*Sub-section 3 would apply to cases on an open, gravelly or sandy soil.*

*Sub-section 4 would apply to cases where there is both a sufficient water supply and an efficient drainage system.*

*With further reference to this Clause, attention is drawn to the fact that, while under the Model Clauses it is not clearly laid down that every building must have fixed sinks fitted up, and must be drained, it is found in practice that this is insisted on by many District Councils. This leads in the case of cottage property not only to needless expense, but it creates, by the multiplication of small cesspools, often not properly and regularly cleaned out, an insanitary state of*

*things which would not occur under the proposed new regulations.*

WITH RESPECT TO WATER-CLOSETS IN CONNECTION WITH BUILDINGS, AND WITH RESPECT TO THE KEEPING OF WATER-CLOSETS SUPPLIED WITH SUFFICIENT WATER FOR FLUSHING.

NOTE.—*Clauses 21 to 25 embody Model Clauses 21 to 25 relating to water-closets. With reference to the second half of old Clause 22 omitted, it is considered that a proper opening window in every w.c. is sufficient, and it is found in practice that ventilating openings do not act, as they cause draughts and are almost invariably immediately stopped up.*

20. No water-closet shall be constructed within or in connection with any building which is not provided with an efficient water supply.

NOTE.—*This additional Clause is considered essential, for the reason that a water-closet not properly supplied with water is dangerous to health.*

21. Every water-closet within a building shall be in such a position that one of its sides at the least shall be an external wall. Cf. Model  
By-law 21

22. Every water-closet within a building shall have in one of the walls of such water-closet a window of not less dimensions than two feet by one foot, exclusive of the frame, and opening directly into the external air. Cf. Model  
By-law 22

PART OF MODEL CLAUSE 22 OMITTED.

He shall, in addition to such window, cause such water-closet to be provided with adequate means of constant ventilation by at least one air-brick built in an external wall of such water-closet, or by an air shaft, or by some other effectual method or appliance.

Cf. Model  
By-law 23

23. Every water-closet in connection with but not within, a building shall be provided with a sufficient opening for lighting and ventilation as near to the top as convenient and communicating directly with the external air.

Cf. Model  
By-law 24

24. Every water-closet in connection with a building shall be furnished with a separate cistern or flushing box of adequate capacity, which shall be so constructed, fitted and placed as to admit of the supply of water for use in such water-closet without any direct connection between any service pipe upon the premises and any part of the apparatus of such water-closet, other than such cistern or flushing box.

Such water-closet shall be furnished with a suitable apparatus for the effectual application of water to any pan, basin, or other receptacle with which such apparatus may be connected and used, and for the effectual flushing and cleansing of such pan, basin, or other receptacle, and for the prompt and effectual removal therefrom of any solid or liquid filth which may from time to time be deposited therein.

Such water-closet shall be furnished with a pan, basin, or other suitable receptacle of non-absorbent material, and of such shape, of such capacity, and of such mode of construction as to receive and contain a sufficient quantity of water, and to allow all filth which may from time to time be deposited in such pan, basin, or receptacle to fall free of the sides thereof, and directly into the water received and contained in such pan, basin, or receptacle.

No "container" or other similar fitting shall be constructed or fixed under such pan, basin, or receptacle.

No trap of the kind known as a "D" trap shall be constructed or fixed in or in connection with the water-closet apparatus.

## PART OF MODEL CLAUSE 24 VARIED.

He shall not construct or fix under such pan, basin, or receptacle any "container" or other similar fitting.

He shall not construct or fix in or in connection with the water-closet apparatus any trap of the kind known as a "D" trap.

25. The occupier of any premises shall, throughout any period during which any person may inhabit the premises, or may be employed therein in any manufacture, trade, or business, cause every water-closet provided on or in connection with the premises to be supplied with a sufficient quantity of water for the proper flushing of such water-closet :

Cf. Model  
By-law 25

Provided that, where there are two or more occupiers of the premises on or in connection with which any such water-closet is provided, the foregoing requirement shall apply to such one or more of the said occupiers as, according to the terms and conditions of his or their occupation of the premises, may have the exclusive or joint control of the water-closet.

WITH RESPECT TO EARTH-CLOSETS IN  
BUILDINGS.

26. Every person who shall construct an earth-closet in or in connection with a building shall provide, construct, or fix in or in connection with such earth-closet suitable means or apparatus for the frequent and effectual application of dry earth, or other deodorizing substance, to any filth which may from time to time be deposited in the receptacle of such earth-closet.

27. (1) Every earth-closet in or in connection with any dwelling-house or in any building in which any person may be or may be intended to be employed in any manufacture, trade or business, shall have a window communicating directly with the external air, and the door

thereof shall open into the open air or into a lobby or verandah with sufficient ventilation.

(2) Every such earth-closet shall be constructed so that adequate access may be had thereto for the purpose of cleansing every part thereof.

(3) The space underneath the seat of any such earth-closet shall be constructed of impervious materials, and no part of any such space or any part of any receptacle for filth in or in connection with any such earth-closet shall communicate with any drain.

NOTE.—*These new Clauses are inserted because it is considered essential that the regulations with regard to earth-closets should be revised and should not be combined with those relating to privies. Earth-closets under proper regulations can be perfectly satisfactorily fitted up inside houses without danger to health, and this new Clause is arranged in order to allow of this being made possible.*

#### WITH RESPECT TO PRIVIES IN CONNECTION WITH BUILDINGS.

NOTE.—*Clauses 27 to 31 embody, with slight modifications, the Model Clauses 26 to 33, with regard to privies, 30 and 31 being omitted.*

Cf. Model  
By-law 26

28. Every person who shall construct a privy in connection with a building shall construct such privy at a distance of *ten feet* at the least from a dwelling-house or public building, or any building in which any person may be, or may be intended to be, employed in any manufacture, trade, or business.

Cf. Model  
By-law 27

29. No privy in connection with a building shall be constructed within the distance of *feet* from any well, spring, or stream of water used or likely to be used by man for drinking



or domestic purposes, or for manufacturing drinks for the use of man, or otherwise in such a position as to render any such water liable to pollution.

30. Every privy in connection with a building shall be constructed in such a manner and in such a position as to afford ready means of access to such privy for the purpose of cleansing such privy, and of removing filth therefrom, and in such a manner, and in such a position as to admit of all filth being removed from such privy, and from the premises to which it may belong, without being carried through any dwelling-house or public building, or any building in which any person may be, or may be intended to be, employed in any manufacture, trade or business.

Cf. Model  
By-law 28

31. Every privy in connection with a building shall be provided with a sufficient opening for light and ventilation, as near to the top as convenient, and communicating directly with the external air.

Cf. Model  
By-law 29

The floor of every privy shall be flagged or paved with hard tiles or other non-absorbent material, and such floor shall be constructed so that it shall be in every part thereof at a height of not less than *three inches* above the level of the surface of the ground adjoining such privy, and so that such floor shall have a fall or inclination towards the door of such privy of *half an inch* to the *foot*.

32. Where any privy in connection with a building is constructed for use in combination with a fixed receptacle for filth, such receptacle shall be constructed so that the contents thereof may not at any time be exposed to any rainfall or the drainage of any waste water or liquid refuse from any adjoining premises.

Cf. Model  
By-laws  
32 and 33

Such receptacle shall be constructed of such material or materials and in such a manner as to prevent any absorption by any part of such receptacle of any filth deposited therein or any escape, by leakage or otherwise, of any part of the contents of such receptacle.

MODEL CLAUSES 26 TO 33.

26. Every person who shall construct an earth-closet or a privy in connection with a building shall construct such earth-closet or privy at a distance of *ten feet* at the least from a dwelling-house or public building, or any building in which any person may be, or may be intended to be, employed in any manufacture, trade, or business.

27. A person who shall construct an earth-closet or a privy in connection with a building shall not construct such earth-closet or privy within the distance of        feet from any well, spring, or stream of water used or likely to be used by man for drinking or domestic purposes, or for manufacturing drinks for the use of man, or otherwise in such a position as to render any such water liable to pollution.

28. Every person who shall construct an earth-closet or a privy in connection with a building shall construct such earth-closet or privy in such a manner and in such a position as to afford ready means of access to such earth-closet or privy, for the purpose of cleansing such earth-closet or privy and of removing filth therefrom, and in such a manner and in such a position as to admit of all filth being removed from such earth-closet or privy, and from the premises to which it may belong, without being carried through any dwelling-house or public building, or any building in which any person may be, or may be intended to be, employed in any manufacture, trade, or business.

29. Every person who shall construct an earth-closet or a privy in connection with a building shall provide such earth-closet or privy with a sufficient opening for light and ventilation, as near to the top as convenient, and communicating directly with the external air.

He shall cause the floor of such earth-closet or privy to be flagged or paved with hard tiles or other non-absorbent material, and he shall construct such floor so that it shall be in every part thereof at a height of not less than *six inches* above the level of the surface of the ground adjoin-

ing such earth-closet or privy, and so that such floor shall have a fall or inclination towards the door of such earth-closet or privy of *half an inch* to the *foot*.

30. Every person who shall construct an earth-closet or a privy in connection with a building shall provide, construct, or fix in or in connection with such earth-closet or privy suitable means or apparatus for the frequent and effectual application of dry earth, or other deodorizing substance, or of ashes, dust, or dry refuse, to any filth which may from time to time be deposited in the receptacle of such earth-closet or privy.

31. Every person who shall construct an earth-closet or privy in connection with a building, and shall construct such earth-closet or privy for use in combination with a movable receptacle for filth, shall construct over the whole area of the space immediately beneath the seat of such earth-closet or privy a floor flagged or asphalted or concreted and rendered in cement, at a height of not less than *three inches* above the level of the surface of the ground adjoining such earth-closet or privy; and he shall cause the whole extent of each side of such space between the floor and the seat to be constructed of such materials and in such manner as to prevent any absorption by any part thereof of any filth deposited in such earth-closet or privy.

He shall construct the seat of such earth-closet or privy, the aperture in such seat, and the space beneath such seat, of such dimensions as to admit of a movable receptacle for filth of a capacity not exceeding *two cubic feet* being placed and fitted beneath such seat in such a manner and in such a position as may effectually prevent the deposit, upon the floor or sides of the space beneath such seat or elsewhere than in such receptacle, of any filth which may from time to time fall or be cast through the aperture in such seat.

He shall construct the seat of such earth-closet or privy so that the whole of such seat, or a sufficient part thereof, may be readily removed or adjusted in such a manner as to afford adequate access to the space beneath such seat for the purpose of cleansing such space, or of removing therefrom or placing and fitting therein the appropriate receptacle for filth, or shall otherwise provide adequate means of access to such space for the purposes aforesaid.

32. Every person who shall construct an earth-closet or a privy in connection with a building, and shall construct such earth-closet or privy for use in combination with a fixed receptacle for filth, shall construct such receptacle so that the contents thereof may not at any time be exposed to any

rainfall or the drainage of any waste water or liquid refuse from any adjoining premises.

He shall construct such receptacle of such material or materials and in such a manner as to prevent any absorption by any part of such receptacle of any filth deposited therein or any escape, by leakage or otherwise, of any part of the contents of such receptacle.

He shall construct such receptacle so that the bottom or floor thereof shall be in every part at least *three inches* above the level of the surface of the ground adjoining such receptacle.

He shall not in any case construct such receptacle of a capacity exceeding *twelve cubic feet*.

He shall construct the seat of such earth-closet or privy so that the whole of such seat, or a sufficient part thereof, may be readily removed or adjusted in such a manner as to afford adequate access to such receptacle for the purpose of removing the contents thereof, and of cleansing such receptacle, or shall otherwise provide adequate means of access to such receptacle for the purpose aforesaid.

33. A person who shall construct an earth-closet or a privy in connection with a building shall not cause or suffer any part of the space under the seat of such earth-closet or privy, or any part of any receptacle for filth in or in connection with such earth-closet or privy to communicate with any drain.

#### WITH RESPECT TO ASH-PITS IN CONNECTION WITH BUILDINGS.

NOTE.—*The Model Clauses 34 to 39 with regard to Ash-pits remain unaltered in substance.*

Cf. Model  
By-law 34

33. Every ash-pit in connection with a building shall be [construct such ash-pit] at a distance of *ten feet* at the least from a dwelling-house or public building, or any building in which any person may be, or may be intended to be, employed in any manufacture, trade, or business.

Cf. Model  
By-law 35

34. No ash-pit in connection with a building shall be constructed within the distance of *feet* from any well, spring, or stream of water used or likely to be used by man for drinking or domestic purposes, or for manufac-

turing drinks for the use of man, or otherwise in such a position as to render any such water liable to pollution.

35. Every ash-pit in connection with a building shall be constructed in such a manner and in such a position as to afford ready means of access to such ash-pit for the purpose of cleansing such ash-pit, and of removing the contents thereof, and, so far as may be practicable, in such a manner and in such a position as to admit of the contents of such ash-pit being removed therefrom, and from the premises to which such ash-pit may belong, without being carried through any dwelling house or public building, or any building in which any person may be, or may be intended to be, employed in any manufacture, trade, or business.

Cf. Model  
By-law 36

36. Every ash-pit in connection with a building shall be of a capacity not exceeding in any case *twenty cubic feet*, or of such less capacity as may be sufficient to contain all dust, ashes, rubbish, and dry refuse which may accumulate during a period not exceeding *one month* upon the premises to which such ash-pit may belong.

Cf. Model  
By-law 37

37. Every ash-pit in connection with a building shall be constructed of flagging, or of slate, or of good brickwork, at least *nine inches* thick, and rendered inside with good cement or properly asphalted.

Cf. Model  
By-law 38

Such ash-pit shall be constructed so that the floor thereof shall be at a height of not less than *three inches* above the surface of the ground adjoining such ash-pit, and such floor shall be properly flagged or asphalted or concreted and rendered in cement.

Such ash-pit shall be properly roofed over and ventilated, and be furnished with a suitable

door in such a position and so constructed and fitted as to admit of the convenient removal of the contents of such ash-pit, and to admit of being securely closed and fastened for the effectual prevention of the escape of any of the contents of such ash-pit.

Cf. Model  
By-law 39

38. No ash-pit in connection with a building, nor any part of such ash-pit, shall communicate with any drain.

#### WITH RESPECT TO CESSPOOLS IN CONNECTION WITH BUILDINGS.

Cf. Model  
By-law 40

39. Every cesspool in connection with a building shall be at a distance of *feet* at the least from any dwelling-house or public building, or any building in which any person may be, or may be intended to be, employed in any manufacture, trade, or business.

Cf. Model  
By-law 41

40. No cesspool in connection with a building shall be within the distance of *feet* from any well, spring, or stream of water used or likely to be used by man for drinking or domestic purposes, or for manufacturing drinks for the use of man, or otherwise in such a position as to render any such water liable to pollution.

Cf. Model  
By-law 42

41. Every cesspool in connection with a building shall be constructed in such a manner and in such a position as to afford ready means of access to such cesspool for the purpose of cleansing such cesspool, and of removing the contents thereof, and in such a manner and in such a position as to admit of the contents of such cesspool being removed therefrom, and from the premises to which such cesspool may belong, without being carried through any dwelling-house or public building, or any building in which any person may be, or may be intended to be, employed in any manufacture, trade, or business.

No cesspool shall have, by drain or otherwise, any outlet into or means of communication with any sewer.

42. Every cesspool in connection with a building shall be constructed of good brickwork in cement, properly rendered inside with cement, or shall otherwise be constructed of suitable material and so as to be impervious to liquid. Cf. Model  
By-law 43

Such cesspool shall be arched or otherwise properly covered over, and be provided, when necessary to be ventilated, with adequate means of ventilation.

#### MODEL CLAUSE 43.

43. Every person who shall construct a cesspool in connection with a building shall construct such cesspool of good brickwork in cement, properly rendered inside with cement, and with a backing of at least *nine inches* of well puddled clay or of at least *six inches* of good cement concrete around and beneath such brickwork, or shall otherwise construct such cesspool of suitable material and so as to be impervious to liquid.

He shall also cause such cesspool to be arched or otherwise properly covered over, and to be provided with adequate means of ventilation.

*NOTE.—The Model Clause 43 with regard to cesspools requires a backing of clay, which in many cases is not essential. The provision with regard to the ventilation of cesspools is also modified, as in many forms of dealing with sewage a sealed cesspool is essential to the success of the process, and an unventilated cesspool is often more efficacious and less dangerous to health than a ventilated one.*

#### WITH RESPECT TO THE CLOSING OF BUILDINGS OR PARTS OF BUILDINGS UNFIT FOR HUMAN HABITATION, AND TO PROHIBITION OF THEIR USE FOR SUCH HABITATION.

43. In every case :—

Where, by a notice in writing in the form

Cf. Model  
By-law 44

hereunto appended, or to the like effect, and signed by the clerk to the Council, and duly served upon or delivered to the owner of a building or part of a building erected after the date of the confirmation of these by-laws, the Council shall certify that it has been represented to them that *for reasons which shall be certified by the medical officer of health and set out in the notice*, such building or part of a building is unfit for human habitation, and that, unless on or before such day as shall be specified in such notice, such owner, by a statement in writing under his hand or under the hand of his agent duly authorized in that behalf, and addressed to and duly served upon or delivered to the Council, shall show sufficient cause why such building or part of a building shall not be declared unfit for human habitation, or unless, on such day and at such time and place as shall be specified in such notice, such owner personally or by his agent duly authorized in that behalf shall attend before the Council and show sufficient cause why such building or part of a building shall not be declared unfit for human habitation, the Council will declare such building or part of a building unfit for human habitation, and direct that such building or part of a building shall be closed, and prohibit the use for human habitation of such building or part of a building until the same shall have been rendered fit for human habitation :

And where such owner shall fail to show sufficient cause why such building or part of a building shall not be declared unfit for human habitation, and where, in consequence of such failure, the Council by their order, which shall be in writing under their seal in the form hereunto appended, or *as near thereto as circumstances shall permit*, and shall be duly signed by their



clerk, and which, or a copy of which shall be affixed in some conspicuous position in or upon such building or part of a building, may declare that such building or part of a building is unfit for human habitation, and may direct that, unless and until such building or part of a building shall have been rendered fit for human habitation, the same shall be closed, and the use thereof for human habitation shall be prohibited :—

A person shall not, after the date specified in such order and before such building or part of a building shall have been rendered fit for human habitation, knowingly inhabit or continue to inhabit, or knowingly cause or suffer to be inhabited such building or part of a building.

*Form of Notice.*

---

*Rural District of* \_\_\_\_\_

To \_\_\_\_\_, of \_\_\_\_\_

WHEREAS by a statement in writing under the hand of \_\_\_\_\_ Medical Officer of Health of the Rural District Council of \_\_\_\_\_

\_\_\_\_\_ of which statement a copy is contained in the schedule hereunto annexed, it has been certified to the said Council that a certain building or part of a building situate at \_\_\_\_\_ in the said district is unfit for human habitation *for the reasons following, that is to say ;*

And whereas it has been shown to the said Council that you are the owner of such building or part of a building ;

Now, I \_\_\_\_\_, clerk to the said Council, do hereby give you notice that, unless on or before the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_,

by a statement in writing under your hand or under the hand of an agent duly authorized by you in that behalf, and addressed to and duly served upon or delivered to the said Council, you shall show to the said Council sufficient cause why such building or part of a building shall not be declared unfit for human habitation ;

Or, unless you shall attend either personally or by an agent duly authorized in that behalf before the said Council at their office in \_\_\_\_\_ on

\_\_\_\_\_ day the \_\_\_\_\_ day of \_\_\_\_\_  
 19\_\_\_\_, at \_\_\_\_\_ o'clock in the  
 noon, and shall then and there show to the said Council sufficient cause why such building or part of a building shall not be declared unfit for human habitation ;

The said Council, in pursuance of the powers conferred upon them in that behalf, will, by an order in writing under their seal, declare that such building or part of a building is unfit for human habitation, and direct that, unless and until such building or part of a building shall have been rendered fit for human habitation, the same shall be closed, and the use thereof for human habitation shall be prohibited.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_  
 in the year one thousand nine hundred \_\_\_\_\_

---

*Clerk to the Council.*

#### SCHEDULE

*Copy of certificate of*

---

*Form of Order.*

---

*Rural District of* \_\_\_\_\_

To \_\_\_\_\_, of \_\_\_\_\_, and  
 to all others whom it may concern :

WHEREAS it has been certified to us, the Rural District Council of \_\_\_\_\_, that a certain building or part of a building situate at \_\_\_\_\_ in the said district is unfit for human habitation *for the reasons following, that is to say ;*

And whereas due notice of such certificate has been given to \_\_\_\_\_, the owner of such building or part of a building, and the said \_\_\_\_\_ has failed to show sufficient cause why such building or part of a building shall not be declared unfit for human habitation ;

Now we, the said Council, in pursuance of the powers conferred upon us in that behalf, do hereby declare that such building or part of a building is unfit for human

habitation *for the reasons herein appearing* ; and we do hereby direct that, unless and until such building or part of a building shall have been rendered fit for human habitation, the same shall be closed, and the use thereof for human habitation shall be prohibited.

Given under the common seal of the Council, (L.S.)  
 this                      day of                      , in the year  
                                  one thousand nine hundred

---

*Clerk to the Council.*

NOTE.—*The words in italics have been added to the Model Clause 44 as it is unfair that the person served with the notice under this Clause should not be informed why the building is considered unfit for human habitation.*

AS TO THE GIVING OF NOTICES ; AS TO THE  
 DEPOSIT OF PLANS AND SECTIONS BY PER-  
 SONS INTENDING TO CONSTRUCT BUILDINGS ;  
 AND AS TO INSPECTION BY THE COUNCIL.

44. Every person who shall intend to erect a building to which the by-laws relating to new buildings will apply shall give to the Council notice in writing of such intention, which shall be delivered or sent to their clerk at his or their office, or to their surveyor at his or their office, and shall at the same time deliver or send, or cause to be delivered or sent, to their clerk at his or their office, or to their surveyor at his or their office, a block plan, with the lines, depths and inclinations of the proposed drains shown thereon. Such plan shall also show the nearest public highway, and any adjoining premises within *one hundred feet* of the proposed new building. Such plan shall remain deposited at the office to which the same has been sent, for a period of *twenty-eight days*. The clerk to the Council shall within *thirty days* from receipt of such plan return the same, having certified thereon that the same are approved

Cf. Mo de  
 By-law 45

or disapproved as the case may require, and in case of disapproval shall as part of such certificate annex to the said plan a precise statement of the particulars in which it appears therefrom that the proposed building will not comply with the by-laws.

If within *thirty days* from the deposit of the plan the Council shall not have certified its approval or disapproval in accordance with this by-law the said plan shall be taken to have been approved, and it shall be lawful for the person to proceed to erect the building in accordance with the said plan.

The copy of the plan returned in accordance with this by-law and certified by the clerk of the Council, or where the plan shall not have been so certified and returned, a duplicate copy of the plan as sent to the Council shall be signed and retained by the person erecting the building in accordance therewith.

All notices, plans or other documents sent to the Council in pursuance of this by-law shall be signed by the person sending the same or by his duly authorized agent.

NOTE.—*This by-law amends the Model Clause 45. It is considered*

- (1) *That in rural districts a block plan furnishes all the information which a local authority requires for protection of the public.*
- (2) *That much inconvenience is now caused by the delay in the action of local authorities after the deposit of plans.*
- (3) *That it should be impossible for a local authority to return a plan unapproved without assigning the reasons for their disapproval.*

## MODEL CLAUSE 45.

45. Every person who shall intend to erect a building to which the by-laws relating to new buildings will apply shall give to the Council notice in writing of such intention, which shall be delivered or sent to their clerk at his or their office, or to their surveyor at his or their office, and shall at the same time deliver or send, or cause to be delivered or sent, to their clerk at his or their office, or to their surveyor at his or their office, plans and sections of such intended building, which shall be drawn to a scale of not less than *one inch* to every *eight feet*, and shall indicate, so far as may be necessary to show compliance with the by-laws, the position, form, and dimensions of such building, and of every water-closet, earth-closet, privy, ash-pit, cesspool, well, and all other appurtenances, the damp course, the level of the lowest floor of such building and of any yard or ground belonging thereto, and in which the building shall be so described as to show whether it is intended to be used as a dwelling-house or otherwise.

Such person shall at the same time deliver or send, or cause to be delivered or sent, to the clerk to the Council at his or their office, or to their surveyor at his or their office, a description in writing of the intended mode of drainage of such building and means of water supply.

Such person shall at the same time deliver or send, or cause to be delivered or sent, to the clerk to the Council at his or their office, or to their surveyor at his or their office, a block plan of such building, to a scale of not less than *one inch* to every *forty-four feet*, and shall show the position of the buildings and appurtenances of the properties immediately adjoining, and the width of the street, if any, in front.

Such person shall likewise show on such plan the intended lines of drainage of such building, and the intended size, depth, and inclination of each drain, and the details of the arrangement proposed to be adopted for the ventilation of the drains.

Such person shall sign such plans and sections or cause the same to be signed by his duly authorized agent.

45. Every person who shall intend to erect a building, or otherwise to execute any work to which any of the foregoing by-laws may apply, shall before beginning to erect such building, or to execute such work, deliver or send, or

Cf. Model  
By-law 46

cause to be delivered or sent, to the surveyor of the Council at his or their office notice in writing, in which shall be specified the date on which such person will begin to erect such building, or to execute such work.

Such person shall also, before proceeding to cover up any drain, deliver or send, or cause to be delivered or sent, to the surveyor of the Council at his or their office notice in writing, in which shall be specified the date on which such person will proceed to cover up such drain.

If such person neglect or refuse to deliver or send any such notice, or to cause any such notice to be delivered or sent to such surveyor, and if such surveyor on inspecting any work in connection with such building, or such other work as aforesaid, finds that such work is so far advanced that he cannot ascertain whether anything required by any of the foregoing by-laws has been done contrary to such by-law, or whether anything required by any of such by-laws to be done has been omitted to be done, and if, within a reasonable time after such survey or inspection, such person shall, by notice in writing under the hand of such surveyor, be required, within a reasonable time which shall be specified in such notice, to cause so much of such work as prevents such surveyor from ascertaining whether anything has been done or omitted to be done as aforesaid to be cut into, laid open, or pulled down to a sufficient extent to enable such surveyor to ascertain whether anything has been done or omitted to be done as aforesaid, such person shall within the time specified in such notice cause such work to be so cut into, laid open, or pulled down.

shall execute any other work to which the foregoing by-laws may apply, shall, at any reasonable time during the progress, or after the completion of the erection of such building, or the execution of such work, receive from the surveyor of the Council notice in writing specifying any matters in respect of which the erection of such building, or the execution of such work may be in contravention of any such by-law, and requiring such person within a reasonable time, which shall be specified in such notice, to cause anything done contrary to any such by-law to be amended, or to do anything which by any such by-law may be required to be done, but which has been omitted to be done:—

Such person shall, within the time specified in such notice, comply with the several requirements thereof so far as such requirements relate to matters in respect of which the erection of such building, or the execution of such work may be in contravention of any such by-law.

Such person, within a reasonable time after the completion of any work which may have been executed in accordance with any such requirement, shall deliver or send, or cause to be delivered or sent, to the surveyor of the Council at his or their office notice in writing of the completion of such work, and shall, at all reasonable times within a period of *seven days* after such notice shall have been so delivered or sent, afford such surveyor free access to such work for the purpose of inspection.

47. Every person who shall erect a building, or shall execute any other work to which any of the foregoing by-laws shall apply, shall, at all reasonable times, during the erection of such building, or the execution of such work, afford the surveyor of the Council free access to such building or work for the purpose of inspection.

Cf. Model  
By-law 48

Cf. Model  
By-law 49

48. Every person who shall erect a building or execute any work to which the foregoing by-laws apply shall, within a reasonable time after the completion of the erection of such building, or the conclusion of such work, deliver or send, or cause to be delivered or sent, to the surveyor of the Council at his or their office notice in writing of the completion of the erection of such building, or the conclusion of such work, and shall, at all reasonable times, within a period of *seven days* after such notice shall have been so delivered or sent, and in the case of the erection of a building before such building shall be occupied, afford such surveyor free access to every part of such building or of such work for the purpose of inspection.

#### PENALTIES.

Cf. Model  
By-law 50

49. Every person who shall offend against any of the foregoing by-laws shall be liable for every such offence to a penalty of *five pounds*, and in the case of a continuing offence to a further penalty of *forty shillings* for each day after written notice of the offence from the Council :

Provided, nevertheless, that the justices or court before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment as a penalty of any sum less than the full amount of the penalty imposed by this by-law.

AS TO THE POWER OF THE COUNCIL TO REMOVE,  
ALTER, OR PULL DOWN ANY WORK BEGUN OR  
DONE IN CONTRAVENTION OF THE BY-LAWS.

Cf. Model  
By-law 51

50. If any work to which any of the foregoing by-laws may apply be begun or done in contravention of any such by-law, the person by whom such work shall be so begun or done, by



a notice in writing, which shall be signed by the clerk to the Council, and shall be duly served upon or delivered to such person, shall be required on or before such day as shall be specified in such notice by a statement in writing under his hand or under the hand of an agent duly authorized in that behalf, and addressed to and duly served upon the Council, to show sufficient cause why such work shall not be removed, altered, or pulled down; or shall be required on such day and at such time and place as shall be specified in such notice to attend personally or by an agent duly authorized in that behalf before the Council and show sufficient cause why such work shall not be removed, altered, or pulled down.

If such person shall fail to show sufficient cause why such work shall not be removed, altered, or pulled down, the Council shall be empowered, subject to any statutory provision in that behalf, to remove, alter, or pull down such work.

#### REPEAL OF BY-LAWS.\*

51. From and after the date of the confirmation of these by-laws, the by-laws relating to new buildings which were made on the day of in the year one thousand hundred and by the

Cf. Model  
By-law 52

and were confirmed on the day of in the year one thousand hundred and by [one of Her late Majesty's Principal Secretaries of State] [the Local Government Board] shall be

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\* If there are any by-laws in force upon the subject of the foregoing clauses this clause should be filled in. If there are no by-laws in force this should be stated, and the clause should be struck out.

repealed, except as regards any work commenced before the date of the confirmation of this by-law, or any work not so commenced, but of which plans shall either have been approved by the Council before such date, or have been sent to the Surveyor or Clerk to the Council one month at least before such date, and shall not have been disapproved by the Council.

# Public Health Acts (Building Byelaws)

## Bill. [H.L.]

### ARRANGEMENT OF CLAUSES.

#### CLAUSE.

1. Application and extent of Act.
2. Exemption of certain buildings from building by-laws.
3. As to alterations to exempted buildings.
4. Power of Local Government Board to extend foregoing provisions to urban areas.
5. Mode of procedure of person aggrieved by by-law.  
[Bill 347.]

[6 EDW. 7.]

A

## BILL

### INTITLED

An Act to amend the Public Health Acts  
with respect to Building Byelaws.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1.—(1) This Act shall be construed as one with the Public Health Acts and shall extend

A.D. 1906.  
—  
Application  
and extent  
of Act.

to England and Wales, exclusive of the administrative county of London.

Exemption  
of certain  
buildings  
from build-  
ing byelaws.  
[See Local  
Government  
Act, 1894,  
s. 21 (3).]

(2) This Act may be cited as the Public Health (Building Byelaws) Act, 1906, and this Act and the Public Health Acts may be cited together as the Public Health Acts.

2.—(1) In a rural district the following buildings shall, subject to the provisions of this Act, be exempt from the operation of any byelaw now or hereafter in force with respect to the structure of walls, foundations, roofs, floors, chimneys, or hearths, or with respect to the sufficiency of the space to be provided in front of buildings, or with respect to the deposit of plans or sections so far as the foregoing matters are concerned, namely :—

Any building, not being a public building or a factory, workshop, or work place (or which, being a public building or a factory, workshop, or work place, is one storey only in height and is without any gallery), every part of which is situated at a distance from every boundary of the curtilage thereof of not less than fifteen feet, or, if the height of the building or any part thereof measured from the ground base thereof to the spring of the roof exceeds fifteen feet, at a distance from every boundary of the curtilage thereof at least equal to such height, and also at a distance from any other building of not less than thirty feet.

(2) A building shall not be excluded from this exemption by reason of its being situated within the distance prescribed by subsection one of a boundary of the curtilage thereof fronting or abutting on a street, provided that no part of such building is situated within such

prescribed distance from the centre of such street.

(3) For the purposes of this Act two dwelling-houses separated by a party wall of brick or stone or other incombustible material shall be deemed to be a single building, and the curtilage of the building shall be deemed to be the space formed by the curtilages of the two dwelling-houses.

(4) Where any stables, offices, or other outbuildings are appurtenant to, or used or intended to be used in connexion with, any building or any part thereof, and are within the same curtilage as that building, that building shall not be excluded from the exemption under this section by reason of being within thirty feet of any of those outbuildings, nor shall any of those outbuildings be excluded from that exemption by reason of being within thirty feet of that building or of any of the other outbuildings.

(5) Nothing in this Act shall exempt a building from the operation of any byelaw so far as that byelaw relates to purposes of health, and if any question arises under this provision whether a byelaw relates to purposes of health or not, that question shall be decided by the Local Government Board, and their decision shall be conclusive.

**3.—(1)** Where any addition is made to any building exempted under the previous section, and in consequence of the addition the building ceases to be within the definition of a building which is entitled to exemption under that section, the district council may give notice to the owner or occupier of such building requiring the removal of such addition within a reasonable time to be named in such notice,

As to alterations to exempted buildings.

and if default shall be made in complying with such notice the exemption provided by the said section shall thereupon cease to apply to such building.

(2) If any alteration shall be made to the curtilage of any building specified in section two of this Act, whereby such building shall be situate at a less distance from any boundary thereof than is in such section mentioned (regard being had to subsection two of such section), the exemption provided by the said section shall thereupon cease to apply to such building.

(3) Upon the exemption provided by section two of this Act ceasing to apply to any building (by reason of subsections one or two of this section) such building shall for the purposes of any byelaws in force within the district in which the same is situated, and of the enforcement thereof, be deemed to have been first erected by the then owner thereof at the time of such exemption ceasing to exist in respect thereof.

Power of  
Local  
Government  
Board to  
extend fore-  
going provi-  
sions to  
urban areas.

4.—(1) The Local Government Board may by order extend the foregoing provisions of this Act to any borough or urban district, or to any part of a borough or urban district, on the application of the council of the borough or urban district, or of ratepayers representing at least one-tenth of the rateable value of the area with reference to which the application is made, and where such an order is made, those provisions shall as from the date mentioned in the order apply in the area to which the order relates in the same manner as they apply in a rural district.

(2) Any order made by the Local Govern-

ment Board under this section shall be published in such manner as they may direct.

(3) Any such order may be revoked by an order made on a similar application.

5.—(1) Where, in any particular case, any person is aggrieved by the requirement of any byelaw made by the council of any county borough, borough, urban district, or rural district under section one hundred and fifty-seven of the Public Health Act 1875, or section twenty-three of the Public Health Acts Amendment Act, 1890, or the refusal of any such council to approve any plan submitted in pursuance of any such byelaw, such person may apply to a court of summary jurisdiction, who may make such order as they may think fit in the circumstances of the case, including an order dispensing with the requirement or approving the plan, either without modification or with such modifications as the court may think fit, and any person dissatisfied with any such order may appeal to a court of quarter sessions in manner provided by the Summary Jurisdiction Acts.

Mode of procedure of person aggrieved by byelaw.

(2) A court of summary jurisdiction shall not make an order under this section dispensing with a requirement of a byelaw unless they are satisfied that the requirement may be dispensed with without prejudice to the public health, and without unduly impairing the stability of the building to which the dispensation relates, or the security from fire of that building and any adjoining building, and any order so made dispensing with a requirement shall not have effect unless it contains a recital that the court are satisfied as required by this provision.

(3) Where a requirement of a byelaw is

dispensed with by an order of a court under this section in any case, the requirement shall cease to be obligatory in that case, and where an order of a court is made approving any plan under this section the approval given by the order shall have effect as if it were the approval of the council.



## APPENDIX

*Rural District Councils.  
By-laws, New Streets and Buildings.*

LOCAL GOVERNMENT BOARD,  
WHITEHALL, S.W.,  
5th January, 1906.

SIR,

I AM directed by the Local Government Board to state that it appears from a Parliamentary Return\* which they have recently caused to be prepared relating to the byelaws with respect to New Streets and Buildings in force in the Rural Districts of England and Wales, that throughout the whole of 169 and in parts of 114 Rural Districts byelaws are in force based on what is known as the Urban Model Series. This series is a comprehensive one, including clauses on most of the subjects upon which Urban District Councils are authorized under Section 157 of the Public Health Act, 1875, to make byelaws.

Since the issue of this code, which was primarily intended for use in Urban Districts, it has been strongly urged that its adoption in districts which are of a rural character has led to interference with reasonable building operations, and the Board feel that a series of byelaws so extensive as the Urban Model is not necessary for a district or part of a district quite rural in character, where little building is going on and aggregations of population are not likely to develop in the near future. In such cases it is considered that a less elaborate code of building regulations would generally be found sufficient. In order to meet the requirements of such localities the Board in 1901 compiled a model series of building byelaws for rural districts, dealing only with the subjects which appeared to them to be most in need of regulation and control in such districts from a sanitary point of view. This series has commended itself

\* Byelaws in Rural Districts. Parliamentary Paper 272, Session 1905. Price 9d. This may be purchased directly or through any bookseller from Messrs. Wyman & Sons, Fetter Lane, London, E.C.

to rural district councils in a large number of cases, and, as appears from the Parliamentary Return, byelaws of the character of this model have already been adopted throughout 106 and in parts of 32 rural districts.

The Board are aware that there are in not a few rural districts areas possessing urban characteristics or containing considerable aggregations of rapidly growing populations for which a more comprehensive series of byelaws is desirable. Indeed, in areas of this kind, the byelaws might properly and desirably approximate to those in force in urban districts. Parts of rural districts having such special circumstances can always be separately dealt with if such areas can be suitably defined. But the Board think it probable that amongst the rural districts in which the Urban Model Series is in force there are many parishes or other areas which cannot be said to have urban characteristics, and in which the byelaws in some respects impose undue restrictions on building and are more onerous than the circumstances require.

The Board are desirous that no obstacles should exist which can properly be avoided in the way of an extension of housing accommodation whether by local authorities or private persons, and the object of this circular is to secure that whilst sanitary requirements should be strictly observed, all unnecessary impediments in the development of building should be avoided.

The Board would be glad if the Rural District Council would carefully review the circumstances of their district for the purpose of seeing whether any modification of the present byelaws is desirable and whether any part of the district might more suitably be placed under a series based on the Rural Model, or, if this is not thought suitable, by such a series supplemented by a limited selection of clauses from the Urban Model. In some cases relaxation has already been given by a clause exempting detached dwelling-houses from certain of the restrictions as to the construction of walls. Even where it is considered that the full code of byelaws should be retained, the existing byelaws, unless made very recently, might with advantage be reviewed in connection with the latest form of the Urban Model. This contains many additions and modifications based on the experience of the working of the old model, and at the same time is framed so as to give more elasticity in the administration of the byelaws.

The Board wish to be informed of the result of the consideration of this letter by the Rural District Council, and they will be pleased to supply draft forms for use in

connection with any revision of the present byelaws and to afford any information which they have at their disposal on the subject of byelaws of the kind in question.

I am, Sir,

Your obedient Servant,

S. B. PROVIS,

Secretary.

*The Clerk to the  
Rural District Council.*

*Circular.*

*District Councils.*

## BYELAWS AS TO NEW STREETS AND BUILDINGS.

LOCAL GOVERNMENT BOARD,

WHITEHALL, S.W.,

29th August, 1912.

SIR,

I AM directed by the Local Government Board to inform you that they have had occasion to consider the question of byelaws made under Section 157 of the Public Health Act, 1875, in force in many districts in relation to their applicability to new forms of construction and new building materials. It has also been alleged that, particularly in some rural districts, the requirements of the byelaws exercise an unduly restrictive effect upon the erection of small dwelling houses. Byelaws with respect to new streets and buildings are intended to operate in the interest of the inhabitants and to prescribe reasonable standards to which building development may fairly be called upon to conform with a view to securing stability, protection from fire, and healthy conditions, and it is obviously undesirable that the byelaws in any area should afford any ground for the suggestion that they are either unnecessarily restrictive or obsolete in character.

New methods of construction and design will almost inevitably demand periodical revision of byelaws. For example, the earlier forms of byelaws with respect to walls, which were framed with particular reference to brick construction and imposed restrictive conditions as to thickness and the use of materials, are inappropriate to types of construction now in use, such as building with hollow blocks or slabs of terra cotta, concrete and the like material, reinforced brickwork, or reinforced concrete; and many of the older byelaws do not provide for hollow and half-timbered walls and steel or other framed walls hung with tiles, slates, &c., filled in where necessary with incombustible materials.

Certain relaxations are now frequently introduced in connection with wall construction where the use of piers is employed, and also in the thickness of the walls of out-buildings. Again, the ordinary clauses for the laying out of roads do not permit some of the classes of roadway which have been designed in some "garden cities," or the exceptional arrangements which are demanded in certain cases by the configuration of the ground. Local authorities have from time to time applied to the Board for approval of byelaws appropriate to such conditions or circumstances. Other local authorities have obtained express statutory powers with similar objects in view, but there are many in whose districts byelaws have been in force practically unaltered over a long period of years, byelaws which were framed before the modern methods and materials came into vogue and which consequently are not so drawn as to allow or to regulate their use. It therefore behoves all local authorities from time to time to consider the terms of the byelaws in force in their areas, so as to see that they are sufficient to meet present-day requirements. The Board will be happy to render assistance to any authorities who may desire to modify their existing byelaws by referring them to clauses which have been embodied in series already adopted or by such other suggestions as may be practicable.

It is recognized that in many parts of the country, and particularly in rural areas, there is great need for better cottage accommodation, and Rural District Councils should be careful to see that the requirements of their byelaws, whilst prescribing conditions essential to health, are not such as to offer any impediment to the erection of suitable dwellings. There are some rural districts in which a code of byelaws based on the Board's original model series, which was drawn up with special reference to urban areas, is still in force. These codes are not only more stringent than the Board would at the present day consider necessary in a rural area, but are not relieved by the relaxations and modifications which have been embodied in the latest model code for urban districts with a view not only of meeting special difficulties but of securing greater flexibility in the administration of the byelaws. The Councils of these Districts should take the matter into early consideration and see whether a less exacting series of byelaws would not meet the reasonable requirements of their area. It has been felt that in areas altogether rural in character a restricted series would be more suitable, and in 1901 the Board compiled a model series of building byelaws for rural districts, which dealt only with such matters of sanitary impor-

tance as most need regulation and control. Byelaws based on this model have to a considerable extent been adopted for these areas, and the Board believe that experience in their working has shown them to be generally sufficient to secure the observance of proper sanitary requirements. The Board have also tentatively framed for working purposes a series intermediate in character between the urban and rural model codes suitable for rural areas which are beginning to assume urban characteristics. This series contains the same clauses with respect to the level, width and construction of new streets as the urban model, but includes only those clauses concerning the structure of walls, foundations, roofs and chimneys of new buildings which are the most important for securing stability and the prevention of fires, and for purposes of health. It also contains a special clause partially exempting small dwellings, where sufficiently isolated, from the structural requirements relating to walls. Copies of the rural model or of the intermediate code will be furnished by the Board to the Council on application, and also draft forms in which the proposals of the Council can be submitted.

Copies of this circular can be obtained either directly or through any bookseller from Messrs. Wyman, Fetter Lane, E.C.

I am, Sir,  
Your obedient Servant,  
H. C. MONRO,  
Secretary.

*The Clerk to the District Council.*

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